

1 May 16, 2003

2 Before the Board of Health of King County, State of Washington

3 RULES AND REGULATIONS NO. 03-

4 An amendment for the protection of the public health and safety from bicycle helmet
5 prevented injury by; revising Title 9 of the King County Board of Health; enacted
6 pursuant to RCW 70.05.060(3) including the latest amendments or revisions thereto.

7 **BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:**

8
9 Title 9

10 **BICYCLE HELMETS**

11
12 Chapters:

13 9.01 Citation and Purpose

14 9.04 Findings

15 9.07 Definitions

16 9.10 General Requirements Regarding Bicycle Helmets

17 9.15 Enforcement

18 9.16 Effective Date

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21 **Chapter 9.01 CITATION AND PURPOSE**

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25 **9.01.010 Title**

26 This title may be cited and referred to, and shall be known as the "King County
27 Bicycle Helmet Regulations." (R&R 84 §1 (part), 12-4-92)

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30 **9.01.020 Purpose and policy declared.**

31 A. This title is enacted as an exercise of the authority of the King County board
32 of health to protect and preserve the public health and welfare. Its provisions shall be
33 liberally construed for the accomplishment of these purposes.

34 B. It is the express purpose of this title to provide for and to promote the health
35 and welfare of the general public and not to create or otherwise establish or designate any
36 particular class or group of persons who will or should be especially protected or
37 benefited by the terms of this title.

1 C. It is the specific intent of this title to place the obligation of complying with its
2 requirements upon any person falling within its scope, and no provision of, nor term used
3 in, this title is intended to impose any duty whatsoever upon King County or any of its
4 officers or employees, for whom the implementation or enforcement of this title shall be
5 discretionary and not mandatory.

6 D. Nothing contained in this title is intended to be, nor shall be construed to
7 create or to form the basis for, a liability on the part of the King County, or its
8 officers, employees or agents, for any injury or damage resulting from the failure
9 of any person to comply with this title. (R&R 84 §1 (part), 12-4-92)

10 11 9.01.030 Local Municipal Ordinances

12 A. Nothing in this regulation is intended to limit the ability of local
13 jurisdictions to adopt and enforce requirements regarding bicycle helmets.

14 15 9.01.100 Severability.

16 The provisions of this title are declared to be separate and severable. The
17 invalidity of any clause, sentence, paragraph, subdivision, section or portions of this title,
18 or the invalidity of the application thereof to any person or circumstance, shall not affect
19 the validity of the remainder of this title or the validity of its application to other persons
20 or circumstances. (R&R 84 §1 (part), 12-4-92)

21 22 23 24 **Chapter 9.04**

25 **FINDINGS**

26 27 28 29 9.04.010 Findings.

30 ~~A. Head injuries are a major cause of death and disability associated with the~~
31 ~~operation of a bicycle on public roadways and bike paths. Every year approximately one~~
32 ~~thousand (1,000) Americans die of bicycle-related injuries. Approximately seventy-five~~
33 ~~percent (75%) of those deaths are due to head injuries. Between January 1, 1984, and~~
34 ~~July 1, 1992, the medical examiner's office reported twenty two (22) bicycle-related~~
35 ~~deaths in King County including Seattle. Eighteen (18) of these deaths resulted from~~
36 ~~head injuries. Statistics from the King County emergency medical services division~~
37 ~~show that EMT's and paramedics responded to five hundred twenty-nine (529) injuries~~
38 ~~involving bicyclists in King County, outside of Seattle in 1991. A significant number of~~
39 ~~those individuals who survive head injuries don't return to a normal life. They are often~~
40 ~~left with profound, disabling and long-lasting sequelae.~~

41 ~~B. Children between the ages of eight (8) and twelve (12) are most at risk.~~
42 ~~Statistics from the Harborview Medical Center and Children's Hospital and Medical~~
43 ~~Center show that in 1986, seventy percent (70%) of the one hundred seventy-six (176)~~

1 people treated for bicycle-related trauma were under the age of thirteen (13). Almost half
2 suffered head injuries. Of the one hundred eighty-nine (189) children under the age of
3 thirteen (13) treated in 1991 by EMT's and paramedics in King County, outside of
4 Seattle, forty-five percent (45%) suffered head injuries.

5 C. Bicycle helmets have been shown to be an effective deterrent to head injuries
6 suffered by bicycle riders during a crash. A study completed in 1989 by investigators at
7 Group Health Cooperative of Puget Sound and the Harborview Injury Prevention and
8 Research Center shows that helmet use could reduce the number of head injuries
9 involving bicycling by eighty-five percent (85%). While educational and promotional
10 efforts in King County have increased helmet use from five percent (5%) in 1985 to
11 thirty-eight percent (38%) in 1991, regulations requiring the use of bicycle helmets would
12 be a more effective approach to reducing the number and severity of head injuries
13 resulting from bicycle crashes. The board of health therefore finds that bicycle helmets
14 are required for the safe operation of bicycles or cycles not powered by motor on public
15 roadways, bicycle paths or any right of way or publicly owned facility under the
16 jurisdiction of King County. (R&R 84 §1 (part), 12-4-92)

17 A. Head injuries are a major cause of death and disability associated with the
18 operation of a bicycle on public roadways and bike paths. Every year approximately one
19 thousand (1,000) Americans die of bicycle-related injuries. Approximately seventy-five
20 percent (75%) of those deaths are due to head injuries. A significant number of those
21 individuals who survive head injuries don't return to a normal life. They are often left
22 with profound, disabling and long-lasting conditions. From 1989 through 1998, there
23 were thirty-five (35) bicycle-related deaths and 2,003 bicycle-related hospitalizations in
24 King County, including Seattle.

25 B. Bicycle helmets have been shown to prevent head injuries suffered by bicycle
26 riders during a crash or fall. Studies completed in 1989 and 1996 by investigators at
27 Group Health Cooperative of Puget Sound and the Harborview Injury Prevention and
28 Research Center show that helmet use could reduce the number of head injuries involving
29 bicycling by sixty-nine (69%) to eighty-five percent (85%). The Medical Examiner
30 noted that of the 8 bicycle-related deaths in 2000, 4 were not wearing helmets.
31 Moreover, the King County Child Death Review (CDR) found that of the 5 children who
32 died while riding a bicycle from July 1998 through April 2002, 4 were unhelmeted; the
33 CDR experts concluded that 3 of the children would have likely survived if a helmet had
34 been worn. Finally, using tools developed by The Centers for Disease Control and
35 Prevention it is estimated that nearly \$10 million dollars would be saved annually in both
36 direct and indirect costs for bicycle-related head injuries if every cyclist were wearing a
37 helmet in King County.

38 C. Educational and promotional efforts in King County have increased helmet
39 use from two percent (2%) in 1985 to 61 percent (61%) in 1999 for children ages 5-12.
40 In 1999, bicycle helmet use in adults was observed to be 71%. However, these effects
41 have plateaued. Additional efforts are needed to augment helmet use.

42 D. Studies in the United States and elsewhere demonstrate that
43 legislation is effective in increasing helmet use. Helmet laws in Georgia, Maryland, and
44 New York increased helmet use by 26% to 40%. In North Carolina, helmet use increased
45 2-3 fold after legislation. Furthermore, New Zealand found a 30% reduction in head
46 injuries after passage of a helmet law. Thus, regulations requiring the use of bicycle

1 helmets enhance the effectiveness of educational efforts to reduce the number and
2 severity of head injuries resulting from bicycle crashes. The board of health therefore
3 finds that bicycle helmets are required for the safe operation of bicycles not powered by
4 motor on public roadways, bicycle paths or any right-of-way or publicly owned facility
5 located in King County, including Seattle. (R&R 84 §1 (part), 12-4-92)
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10 **Chapter 9.07**

11 **DEFINITIONS**

12 Sections:

13
14 9.07.005 Definitions Adopted

15 9.07.101 Guardian

16 9.07.020 Bicycle ~~or~~ cycle not powered by motor
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20 **9.07.005 Definitions adopted.**

21 The following definitions of this chapter are adopted for this title. (R&R 84 §1
22 (part), 12-4-92)
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25 **9.07.010 Guardian.**

26 "Guardian" means a parent, legal guardian or temporary guardian who maintains
27 responsibility, whether voluntary or otherwise, for the safety and welfare of a person
28 under the age of eighteen (18) years. (R&R 84 §1 (part), 12-4-92)
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31 **9.07.020 Bicycle ~~or~~ cycle not powered by motor.**

32 ~~"Bicycle or cycle not powered by motor" is defined to specifically exclude~~
33 ~~tricycles. (R&R 84 §1 (part), 12-4-92)~~
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35 "Bicycle means every device propelled solely by human power upon which
36 person or persons may ride, having two tandem wheels, either of which is sixteen inches
37 or more diameter, or three wheels, any one of which is more than twenty inches in
38 diameter (RCW 46.04.071). Within this chapter, the term bicycle shall include any
39 attached trailers, side cars, and/or device being towed by a bicycle".

40 **Chapter 9.10**

GENERAL REQUIREMENTS REGARDING BICYCLE HELMETS

Sections:

9.10.10 Requirements regarding bicycle helmets

9.10.010 Requirements regarding bicycle helmets.

A. Any person operating or riding on a bicycle ~~or cycle~~ not powered by motor on a public roadway, bicycle path or on any right-of-way or publicly owned facilities ~~under the jurisdiction of~~ located in King County including Seattle, shall wear a protective helmet designed for bicycle safety. Such helmet shall meet or exceed the requirements ~~safety of standards~~ adopted by the U.S. Consumer Product Safety Commission (CPSC) 15 USCS 6004, or Z-90.4 set by the American National Standards Institute (ANSI), the Snell Foundation, the ASTM (American Society for Testing and Materials), or such subsequent nationally recognized standard for bicycle helmet performance as the county may adopt. The helmet must be equipped with either a neck or chinstrap that shall be fastened securely while the bicycle is in motion.

B. The guardian of a person under the age of eighteen (18) years shall not knowingly allow, or fail to take reasonable steps to prevent, that person from operating or riding on a bicycle ~~or any other cycle~~ not powered by motor on a public roadway, bicycle path or on any right-of-way or publicly owned facilities ~~under the jurisdiction of~~ located in King County including Seattle, unless that person is wearing a helmet that meets the requirements of subsection (A) of this section.

C. No person shall transport another person upon a bicycle ~~or any other cycle~~ not powered by motor on a public roadway, bicycle path or on any right-of-way or publicly owned facilities ~~under the jurisdiction of~~ located in King County including Seattle, unless that other person is wearing a helmet that meets the requirements of subsection (A) of this section.

D. No person shall sell or offer for sale a bicycle helmet that does not meet the requirements of subsection (A) of this section.

E. No person shall rent a bicycle ~~or cycle~~ not powered by motor for use ~~by to~~ another person unless ~~that other person~~ the renter possesses a helmet that meets the requirements of subsection (A) of this section. (R&R 84 §1 (part), 12-4-92)

CHAPTER 9.15

ENFORCEMENT

Sections:

9.15.010 Enforcement.

9.15.010 Enforcement.

1 A. A violation of this regulation is designated a civil infraction, to which the
2 provisions of RCW Chapter 7.80 shall apply, except as set forth hereafter.

3 B. Any duly commissioned law enforcement officer having law enforcement
4 authority at the place where a violation of this regulation occurs is authorized to enforce
5 the provisions of this regulation.

6 C. Any person found to have committed a violation of this regulation shall be
7 assessed a monetary penalty of ~~thirty dollars (\$30.00)~~ forty-two (\$42) for each such
8 violation, not including applicable court costs.

9 D. Whenever a court under this regulation imposes a monetary penalty, it is
10 immediately payable. If the person is unable to pay at the time the penalty is imposed;
11 the court may grant an extension of the period in which the penalty may be paid.

12 E. The court may waive, reduce or suspend the monetary penalty prescribed
13 herein, and may impose such conditions on any waiver, reduction or suspension as it
14 deems just. If the court determines that a person has insufficient funds to pay the
15 monetary penalty, the court may order performance of a number of hours of community
16 service in lieu of a monetary penalty, at the rate of the then state minimum wage per
17 hour.

18 F. The first time a person has been issued a notice of infraction for violation of
19 this regulation, if such person appears in person before the court and supplies the court
20 with proof that between the date of the notice of infraction and the appearance date in
21 court the person purchased a helmet that meets the requirements of this regulation, the
22 court shall dismiss the notice of infraction without costs. (R&R 84 §1 (part), 12-4-92)

23 24 25 CHAPTER 9.16

26 27 EFFECTIVE DATE

28 29 Sections:

30 31 9.16.010 Effective Date

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34 A. This amendment shall take take effect on June 16th, 2003.

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36 Adopted this 16th day of May, 2003 .

37 King County Board of Health
38 King County, Washington

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41 Chair

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43 ATTEST:

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45 Director of Health